

Rule 13.2 explains that a single general inventive concept exists between the inventions of the claims when there is a technical relationship among those inventions involving one or more of the same or corresponding special technical features, said "special technical features" meaning those technical features that define a contribution which each of the claimed inventions, considered as a whole, makes over the prior art.

In the present application, the special technical feature that is identical for all the categories of claims resides in the steps of transforming plant cells with *Agrobacterium rhizogenes* and selecting the transformants that contain and express the gene encoding the H<sub>2</sub>O<sub>2</sub>-producing protein or the gene encoding a protein of interest by a colorimetric test (page 1, lines 7-11 of the specification; claim 1).

This particular arrangement constitutes the special technical feature that is common to the methods, transgenic plants and plant parts embraced by the presently amended claims, and which defines a contribution that each of these inventions, considered as a whole, makes over the prior art.

Since the Examiner provides no credible evidence that this special technical feature does not make a contribution over the prior art, a holding of lack of unity of invention of the presently amended claims is inconsistent with PCT Rule 13 and 37 C.F.R §1.475.

Accordingly, the restriction requirement should be reconsidered and withdrawn.

#### CONCLUSION

For all of the above reasons, it is urged that presently amended claims 16-32, 36 and 37 in this application possess unity of invention. Applicants therefore respectfully request

that the restriction requirement issued by the Examiner be favorably reconsidered and withdrawn.

**The Applicants hereby petition the Commissioner for Patents to extend the time for reply to the notice dated March 25, 2003 for one (1) month from May 25, 2003 to June 25, 2003. A duly completed credit card authorization form is attached to effect payment of the extension fee.**

Respectfully submitted

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